

AMENDED IN SENATE MARCH 24, 2004

SENATE BILL

No. 1611

Introduced by Senator Ducheny

February 20, 2004

An act to amend Section 17021.6 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1611, as amended, Ducheny. Employee housing.

The existing Employee Housing Act deems employee housing providing accommodations for 12 or fewer employees an agricultural land use for designated purposes.

This bill, instead, would deem employee housing consisting of ~~at least 2 but not~~ *no* more than 12 beds or units an agricultural land use for those designated purposes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17021.6 of the Health and Safety Code
2 is amended to read:

3 17021.6. (a) The owner of any employee housing who has
4 qualified, or intends to qualify, for a permit to operate pursuant to
5 this part may invoke the provisions of this section.

6 (b) Any employee housing consisting of ~~at least 2 but not~~ *no*
7 more than 12 beds or units shall be deemed an agricultural land use
8 designation for the purposes of this section. For the purpose of all
9 local ordinances, that employee housing shall not be deemed a use

1 that implies that the employee housing is an activity that differs in
2 any other way from an agricultural use. No conditional use permit,
3 zoning variance, or other zoning clearance shall be required of that
4 employee housing that is not required of any other agricultural
5 activity in the same zone. The permitted occupancy in employee
6 housing in an agricultural zone shall include agricultural
7 employees who do not work on the property where the employee
8 housing is located.

9 (c) Except as otherwise provided in this part, employee
10 housing consisting of ~~at least 2 but not~~ no more than 12 beds or
11 units shall not be subject to any business taxes, local registration
12 fees, use permit fees, or other fees to which other agricultural
13 activities in the same zone are not likewise subject. Nothing in this
14 subdivision shall be construed to forbid the imposition of local
15 property taxes, fees for water services and garbage collection, fees
16 for normal inspections, local bond assessments, and other fees,
17 charges, and assessments to which other agricultural activities in
18 the same zone are likewise subject. Neither the State Fire Marshal
19 nor any local public entity shall charge any fee to the owner,
20 operator, or any resident for enforcing fire inspection regulation
21 pursuant to state law or regulation or local ordinance, with respect
22 to employee housing consisting of ~~at least 2 but not~~ no more than
23 12 beds or units.

24 (d) For the purposes of any contract, deed, or covenant for the
25 transfer of real property, employee housing consisting of ~~at least~~
26 ~~2 but not~~ no more than 12 beds or units shall be considered an
27 agricultural use of property, notwithstanding any disclaimers to
28 the contrary. For purposes of this section, “employee housing”
29 includes employee housing defined in subdivision (b) of Section
30 17008, even if the housing accommodations or property are not
31 located in a rural area, as defined by Section 50101.

32 (e) The Legislature hereby declares that it is the policy of this
33 state that each county and city shall permit and encourage the
34 development and use of sufficient numbers and types of employee
35 housing facilities as are commensurate with local need. This
36 section shall apply equally to any charter city, general law city,
37 county, city and county, district, and any other local public entity.

38 (f) If any owner who invokes the provisions of this section fails
39 to maintain a permit to operate pursuant to this part throughout the

1 first 10 consecutive years following the issuance of the original
2 certificate of occupancy, both of the following shall occur:

3 (1) The enforcement agency shall notify the appropriate local
4 government entity.

5 (2) The public agency that has waived any taxes, fees,
6 assessments, or charges for employee housing pursuant to this
7 section may recover the amount of those taxes, fees, assessments,
8 or charges from the landowner, less 10 percent of that amount for
9 each year that a valid permit has been maintained.

10 (g) Subdivision (f) shall not apply to an owner of any
11 prospective, planned, or unfinished employee housing facility
12 who has applied to the appropriate state and local public entities
13 for a permit to construct or operate pursuant to this part prior to
14 January 1, 1996.

